

The Bombay Gazette.

BARODA :—SUNDAY, FEB. 28, 1875.

COMMISSION OF INQUIRY INTO CHARGES LAID AGAINST H. H. MULHARRAO, GAEKWAR OF BARODA.

BARODA, SUNDAY, FEB. 28TH, 1875.

ON Saturday, when the Court assembled, Sir Richard Couch intimated that Scindiah was unwell and unable to attend, and everybody was sorry to miss the presence on the platform of the jovial, handsome-looking Mahratta Chieftain. The court was densely crowded, the news that Colonel Phayre would probably be cross-examined by Serjeant Ballantine having spread all over the camp and city.

In his examination in chief, Colonel Phayre repeated the story which the Advocate-General told in his opening address. He explained what he did after Dr. Seward had given him his opinion that the cup contained arsenic, and the means employed to enable Dr. Gray, the Chemical Analyst to Government, to decide whether Dr. Seward's opinion could be justified. He also described the circumstances attending the visit of the Maharaja to him four days after the attempt had been made. After the conclusion of the examination Colonel Phayre was cross-examined by Serjeant Ballantine, and then commenced one of the liveliest episodes of the inquiry. Colonel Phayre chafed a good deal under the learned Serjeant's ingenious badgering, and several times had to be requested by the President to answer the questions put to him. The cross-examination was mainly directed to three points—namely, Colonel Phayre's antecedents as an official; his symptoms when he drank the pummelo juice, and his conduct immediately afterwards; and his intimacy with Bhow Poonikur, who, it was hinted, had been an implacable enemy of the Gaekwar's, and used to give Colonel Phayre "secret and confidential information."

The Advocate-General objected to Colonel Phayre's antecedents in Scind or elsewhere than in Baroda being called in question before the Commission; but Serjeant Ballantine carried his point by plainly saying that he intended to argue that the Gaekwar (by means of copies of private official documents which Colonel Phayre indignantly declared must have been dishonestly obtained) knew so well the unsatisfactory relations existing between Colonel Phayre and the Governments of Bombay and India, that it would have been quite superfluous for him to think of taking the trouble and risk of removing the Resident by poison. As to Bhow Poonikur, the counsel for the defence endeavoured to get Colonel Phayre to admit that he had *entree* to Colonel Phayre's dressing-room in which the poisoned tumbler of pummelo juice had been placed on the morning of the 9th November; but this was denied several times. Colonel Phayre was pressed very hard to tell whether Bhow Poonikur had not been the person who informed him that the sherbet contained diamond dust, arsenic, and copper; but he persisted in declaring that he could not tell until after tiffin, when he said he had seen Bhow Poonikur in the interval and learned from him that it was Bhow Poonikur who gave him this information. The learned Serjeant sat down apparently very well satisfied with the admission; but there was but one opinion as to Colonel Phayre's pluck and honesty in the matter. What are the public to expect from the Bhow Poonikur incident? Are they to be startled with revelations of a conspiracy against the Gaekwar by his enemies?

FIFTH DAY, SATURDAY, FEBRUARY 27.

PRESENT.

SIR RICHARD COUCH (President); H. H. Maharaja of Jeypore, Sir Richard John Meade, Sir Dinkur Rao, and Mr. Philip Sandys Melvill.

Counsel for the prosecution—The Hon. Andrew R. Scoble, Advocate-General of Bombay, and J. D. Inverarity, instructed by Messrs. Hearn, Cleveland, and Lee-Warner, Solicitors in this matter for the Government of India.

Counsel for the defence—Serjeant Ballantine, R. A. Branson, Henry F. Purcell, Shantaram Narayan and Wassudeo Juggonath, instructed by Messrs. Jefferson and Payne, Attornies, Bombay.

George Taylor, Barrister, Bombay, held a brief to watch the proceedings on behalf of the Ranees of H. H. the Gaekwar, and Ayeajee, the infant son of the Ranees Luxmeebae.

Secretary to the Commission—John Jardine, Bombay Civil Service.

Interpreter—Mr. Nowrozjee Furdonjee, Mr. James Flynn being absent owing to indisposition.

His Highness the Gaekwar was present, and occupied a position on the left of the Commission.

Colonel Sir Lewis Pelly, K.C.S.I., occupied a position on the right of the Commission.

The Court met at about eleven o'clock.

The President—Mr. Advocate-General—His Highness the Maharaja Scindia is unwell and will be unable to be present to-day, but I shall take care that he is furnished with a copy of all the evidence. Mr. Serjeant Ballantine, on behalf of himself and the Advocate-General, expressed regret at hearing of His Highness's illness. The President then said that there was a considerable omission, in the notes furnished of yesterday's evidence, of an important portion of the ayah's evidence when she was recalled, which had been detected on comparison with their own notes. It might have been through some parts of the notes furnished by the *Bombay Gazette* having been left out in transcribing.

Mr. Serjeant Ballantine—The mistake is the more extraordinary as the *Bombay Gazette* has generally been exceedingly correct in its reports of the proceedings.

Mr. Melvill.—It looks as if the shorthand writer, in turning the leaves of his note book, had turned over two pages instead of one.

The President.—Mistakes, of course, must happen, but care must be taken that the notes furnished to us are corrected.

The Advocate-General explained that the portion of the evidence in question had been mislaid by the native compositors, and that the copies furnished would be at once put in order.

Mr. Jardine intimated that he had the notes in question.

The Advocate-General also drew attention to a mistake in the notes. The witness Abdool Rahmon was asked by Mr. Branson whether he went to the Omercarry Chowkey with the Khan Bahadoor, and the reply was "No; to the Khan Bahadoor's house," whereas the notes had "Yes."

The President—The evidence of Colonel Phayre had better be interpreted to His Highness the Gaekwar as the examination proceeds.

Mr. Scoble explained that a number of lengthy documents had to be put in and that it would be impossible to translate them.

The President—We will see as to that as we proceed. Colonel Phayre, examined by the Advocate-General—After the visit of the Maharaja on the 9th November, and before I had heard from Dr. Seward, I had mentioned my symptoms to Mr. Boevy. I saw Dr. Seward again on that day when he returned between eleven and twelve o'clock, but I had written him a letter in the meantime. (Shown letter purporting to be written at 11 A.M. on the morning of 9th November.) This is the letter. (Letter put in as Colonel Phayre's statement of his symptoms to his medical adviser and marked F.)

The President requested that the letter should be read.

The Advocate-General then read the following letter marked "confidential":

Confidential.

Baroda, 9th November 1874, 11 A.M.

MY DEAR SEWARD,—With reference to the circumstances which I mentioned to you this morning, together

with the symptoms which I described to you, and the contents of the tumbler which you took home with you, I should feel much obliged if you would kindly give me a professional opinion as to the nature of the contents of that tumbler, whether poisonous or not.

Although I only took two or three sips of the pummelo juice which the tumbler contained, I felt within about half an hour, as I described to you, a most unusual sickness of stomach, accompanied by dizziness in the head and of sight, producing confusion of thought, also a most unpleasant metallic taste in the mouth with slight salivation such as I have never experienced till within the last few days, and which I attributed partly to a slight attack of fever, which had, however, quite gone off, and partly to an idea that the pummelo juice from which the juice daily placed on my table had been extracted were not fresh ones. I now, however, attribute all of these symptoms, especially that of this morning, to entirely different causes. In fact I now believe that for the last few days small doses of poison have been introduced into the juice, and that had I drunk the whole tumbler off to-day I should have been very ill indeed.

The confused state of my head has often surprised me of late, because for the last six weeks I have abstained *in toto* from wine and beer, &c., except once or twice when friends dined at the Residency, and have found myself all the better for it.

My general health, is, as you know, most excellent, and therefore the symptoms which I have described to you are, I feel sure, the result of unnatural causes. I never dreamt of poison, otherwise I should not have thrown away so much of the contents of the tumbler which I gave you this morning. It was only after doing so, and when I was replacing the tumbler on the table, and saw the sediment at the bottom, that I for the first time suspected foul play.

Believe me, &c.,

(Sd.) R. PHAYRE, Colonel.

Examination continued—I saw Dr. Seward about half-an-hour or three-quarters of an hour, or an hour after writing this letter. This would be between eleven and half-past eleven and twelve. Dr. Seward had not seen the letter when he came to me, as he had missed it on the way. When Dr. Seward came, he communicated to me the result of his examination of the contents of the tumbler. He told me he had detected arsenic in it more than sufficient to have killed me had I taken it all. Upon receiving this information from Dr. Seward I gave orders to ascertain who had been to my room that morning. I then commenced an inquiry amongst the servants at the Residency. I telegraphed to Government at once that an attempt to poison me had been made. (Shown draft telegram addressed to Private Secretary, Governor of Bombay.) This is my original draft, and is in my handwriting.

The Advocate-General read the telegram as follows, and it was marked G:—

Telegram.

From Colonel Phayre, C.B., Resident, Baroda, to the Private Secretary, Gunness Khind, Poona.

Baroda, 9th November 1874.

Bold attempt to poison me this day has been providentially frustrated. More by next post.

Examination continued—After Dr. Seward had communicated his opinion I despatched this telegram—probably about one or two o'clock. I kept the inquiry quite secret after I had heard Dr. Seward's opinion. The servants generally in the Residency knew it, but I did not allow any outsiders to know it. On that day I think some persons were placed in custody. If I saw the proceedings I could tell you. (Shown proceedings.) I know that I put under arrest Rowjee Havildar, a peon, on the 9th, Govind Baloo, hamal, Yellapur, hamal, and Luximon, peon. When these persons were placed under arrest it must have been in the evening. The other servants remained at large. As a matter of fact I know it was known in camp, on the evening of the 9th, that an attempt to poison me had been made. After I had seen Dr. Seward I gave directions that the remainder of the liquid handed to him should be sent to the Chemical Analyst to the Bombay Government. I continued my inquiries with a view to ascertain the persons by whom the poison had been introduced into my sherbet. This inquiry lasted several days. We carried it out steadily for the first four days—that is, from the 9th to the 12th.

Mr Boevey assisted me in making these inquiries. After I had seen the Maharaja on the 9th I saw him on the following Thursday (the 12th), which was his usual day for making his call. When he came on this day, he was accompanied by Mr. Dadabhoj Nowrojee, his minister. It had not been, as a rule, usual for His Highness to be accompanied by Mr. Dadabhoj Nowrojee. On the 12th His Highness remarked that he had heard a report that an attempt had been made to poison me. I understood him to say he had only heard on the previous day (the 11th) that an attempt had been made to poison me, and that he had resolved to speak about it to me that morning. He then remarked that I had said nothing to him about it on the previous Monday when he visited me. I told him I had not, and then described what had taken place on that day. Mr. Dadabhoj Nowrojee observed that he had first heard the report on the 10th, but did not believe it, but that on hearing it repeated with greater force on the 11th he did believe that the attempt had been made. I remember the Maharaja expressing his surprise that I had not taken an emetic when Dr. Seward had recommended it to me. Nothing further passed. I think it was on that day that Mr. Dadabhoj asked me if I was making an inquiry, and I said "yes;" to which he replied that he hoped I would be successful in finding out who had made the attempt. I afterwards received a yad from the Durbar regarding this matter, but this was at least three or four days afterwards. I mean that I received it at least on the Saturday night following. (Shown yad.) I cannot read this, but I believe this to be the yad. There is an endorsement on the back, "Received 14th November in the evening at 5 p.m." That endorsement is in the handwriting of my native assistant. This is my signature. (Yad put in, marked H.) I mentioned yesterday that I threw away the greater part of the contents of the tumbler out of the window on the verandah. Afterwards, at the request of Dr. Gray, I scraped up a portion of the chunam from the surface of the verandah on which I had thrown the sherbet. This request, I think, was addressed to Dr. Seward (shows letter). I know this was addressed to Mr. Seward.

Mr. Scoble—I shall read this letter presently—I only now refer to this passage: "Is it possible to obtain any of the pummelo juice, or any part of the ground upon which the pummelo juice was thrown."

Witness—In consequence of that letter, I myself went and scraped up as much chunam as I could possibly get and sent it to Dr. Gray. Others were with me. As far as I recollect I made up the packet containing the chunam, but you can see from the correspondence—it was scraped up by a puttawalla in my presence. The matter so scraped up I sent to Dr. Gray with (shown exhibit I) this original letter, which states everything.

No. 502—A.

Baroda, 16th November 1874.

To the Chemical Analyser to Government, Bombay.

SIR,—In consequence of the opinion expressed in your demi-official of the 13th instant to Dr. Seward's address (received on the evening of the 14th instant), I yesterday morning scraped together from the chunam floor of the verandah, as much deposit as could be found on the spot where the contents of the poisoned tumbler fell; and I enclose the said scrapings herewith in the hope that they may be useful in leading you to a decision as to the other ingredients which were contained in the poisoned tumbler besides arsenic.—I have, &c.

(Sd.) R. PHAYRE, Resident.

Either I or my native assistant sealed up the packet—that was done in the office. (Shown Dr. Gray's answer to Colonel Phayre dated the 19th November 1874.) This is the letter I received from Dr. Gray regarding the packet.

Mr. Scoble—It is in these words:—"I have the honour to acknowledge receipt of your letter which was sealed with the seal of a bird." (To witness)—That would be your seal?

Witness—That would be my seal.

Mr. Scoble—I do not propose to read the rest of the letter now. I will wait until Dr. Gray is called. It may now be marked with the letter J.

That letter reads as follows:—

No. 401 of 1874-75.

19th November 1874.

SIR,—I have the honor to acknowledge the receipt of your letter of the 16th instant, and also of the small packet enclosed. The letter was sealed, the seals unbroken, and the crest a bird.

The packet contained a small quantity of moist earthy matter of a brown color mixed with glittering particles. A chemical examination of this earthy matter revealed the presence of arsenic. I failed, however, to detect in it the slightest trace of any mineral poison other than arsenic. Many of the glittering particles appear to be of the same nature as those seen in the powder sent me by Dr. Seward, namely diamond dust: other glistening dark-colored particles in the earthy matter prove to be oxide of iron, being in fact the same substance that is commonly used as sand for drying ink.

(Sd.) W. GRAY, Surgeon,
Ag. Chemical Analyser to Govt.

As far as I recollect, I myself, on the 16th November, made a statement regarding the inquiry I had made during the week. (Statement shewn to him.) This is it.

Mr. Scoble—I put this in, my Lord.

The President—You don't object to this, Mr. Serjeant Ballantine?

Mr. Serjeant Ballantine—No, my Lord.

Mr. Scoble—Then this will be marked K—I don't propose to read this now, my Lord. It is substantially the same statement as Colonel Phayre has made here.

The statement referred to is in these words:—

Appendix C.

Statement by Colonel Phayre, C. B., Resident, Baroda.

Baroda, 16th Nov. 1874.

The attempt to poison me was made on the morning of Monday, the 9th November, 1874. The small quantity of poisoned sherbet taken by me was swallowed at about 7 a. m. At about twenty minutes or half-past 9 a. m. the Maharaja paid me his usual visit. After some common-place remarks H. H. observed that the weather was not healthy, that there was a good deal of fever in the city, and that he himself had been suffering from purging and headache and fever from eating the usual Dewali sweetmeats, but that he had recovered. I made no remarks, but it occurred to me that H. H. had led the conversation to the subject in order to elicit some remarks from me. I have since learnt from the evidence that H. H.'s confidential Arab sowar Salim was at the Residency earlier than usual on that morning, that when I sent a note to summon Dr. Seward between 7 and 8 o'clock, the Arab sowar stopped the peon Mahomed who was carrying it and asked him to buy him some biscuits in the bazaar, which extraordinary occurrence I can only account for by a desire on the part of Salim to divert the peon's attention from his proper errand to summon the Residency Surgeon.

By about noon on Monday, the attempt to poison me began to spread in the camp and city. Next day, Tuesday, 10th, several people from the city came to call, or sent to enquire after my health, but no one came from the Maharaja. Wednesday, the 11th, passed in a similar manner without any inquiry on His Highness' part.

On Thursday the 12th H. H. came to pay his usual visit, and on this occasion, for the first time, he was accompanied by Mr. Dadabhoj. Usually His Highness comes alone. His Highness opened the conversation by saying that he had heard on the previous day (11th) that some one had poisoned me and asked how I was, remarking at the same time that I showed no signs of having been poisoned when he called on Monday the 9th instant. Previous to this remark by His Highness, I had not mentioned the hour at which I was poisoned, but I afterwards told him. How the Maharaja knew that I had been poisoned when I came to receive him on the Monday morning is not apparent.

Mr. Dadabhoj said that he heard the rumour first, Tuesday, 10th, but did not believe it, that the rumour was repeated so strongly on the 11th that he believed it, and that he intended to speak about it next day (12th). He asked me if I was making enquiry into the matter, and I replied that I was, and he expressed a hope that I should succeed in discovering the perpetrator of the crime.

On Saturday the 14th instant, after dark in the evening, 5-45, I received the following yad from the Durbar:—

Durbar yad to the Resident No. 2057, dated 14th November 1874.

At a personal interview with you the day before yesterday I learnt from you the particulars about the attempt made by some bad man to poison you for which I am very sorry. But it was the favour of God that his cruel design did not meet with success.

If it becomes necessary for you to obtain my assistance in proving the criminal's guilt the same will be given. This is written for your information.

True Translation.

(Sd.) R. PHAYRE, Resident.

It will be observed that in this yad H. H. alludes only to having heard of the matter from me personally on the 12th instant, whereas the report had spread everywhere by the evening of the 9th November, and it is not reasonable to suppose that H. H. has not heard of it immediately, as everything is reported to him at once by his spies.

Moreover, he himself told me on Thursday, the 12th, that he had heard of it the previous day and had resolved to speak regarding it on his next visit that morning. The delay of H. H. in not taking notice of the occurrence till Thursday the 12th, and afterwards in writing the yad, offering assistance on the evening of the 14th, the sixth day after the event, are remarkable.

(Sd.) R. PHAYRE, Col., Resident.

Witness—In the month of September I was, as I said yesterday, suffering from a boil on my head. That boil was dressed with collodion. I did not understand how to apply it at first, and I made a plaster of it with lint. This stuck so hard on to the boil that I began to think I had done wrong in putting it on; it pained me. I got some hot water and began to try to get it off. After a considerable time I got it off. I then told Dr. Seward about it. When I was taking it off I was standing near the table where the collodion was—near the washhand-stand table. I took it off in the morning between eight and nine o'clock when I was dressing—a time when sepoys and servants were about and standing outside my office.

Cross-examined by Mr. Serjeant Ballantine—I want to get two or three dates from you, Colonel Phayre?—I believe it was on the 18th of March, was it not, that you came to Baroda to take the position to which you were appointed?—Yes, the 18th March 1873.

Where had you been previously to that?—I had just come from Palampur.

Were you holding any official appointment there?—Yes.

Is that in Sind?—No, it is in Northern Guzerat. What was your position there?—Political Superintendent.

How long did you hold that?—A very short time—six weeks, I think.

Had you held any official appointment before that?—I had held a great number of appointments before that.

What was the previous appointment?—Political Superintendent in Upper Sind, and Commandant-in-Chief of the Frontier Brigade.

When did you quit that office?—I quitted that office to go home in the latter end of 1872 on leave for six months.

Does that imply, Colonel Phayre, that you quitted it of your own accord?—How do you mean?

You say that you were going home on leave?—Yes, I certainly put it upon that ground.

Did you ever return to it?—No.

Was your appointment cancelled, or what?—No, it was not cancelled.

I used an improper word, perhaps? Pray use the words that come into your mind?—I have nothing to conceal at all.

It was an appointment under the Government of Bombay, was it not?—Yes, under the Government of Bombay.

Have you in your possession the document terminating that appointment?—I do not know whether I have or not. I may have (recollecting himself). Yes, I have in my possession the final resolution of Government exonerating me and defending my conduct in the whole matter.

Have you the document removing you from that appointment?—I don't know whether I have. I may have it. I do not know. It is not here at all events.

I shall have to ask you presently whether you were aware that the Gaekwar was in possession of that document or of a copy of that document?—No; I was not aware of it.

It is the same thing, by the Gaekwar I mean his minister?—Nor his minister. It was a Government document, and I do not see how they could come into possession of it honestly.

But, honestly or not, you say you did not know he was in possession of it?—I did not know that he was in possession of it; and I add that he could not have honestly come by it.

The President—Allow me to suggest to you, Colonel Phayre, that you should answer only the questions put to you—Very well, my Lord.

Serjeant Ballantine—I can assure you that there is no wish on my part to give you any offence.

Colonel Phayre (interrupting)—I do not want any apologies, sir. I do not require them.

Serjeant Ballantine.—As you make that observation I must ask the Court to prevent you making these observations. Honestly or not, it is not for you to decide. Now, sir, honestly or not, did you know they possessed such a document?—It would have come through the Resident, if it had come properly.

The President—We are again getting away.

Serjeant Ballantine—At all events for my purpose, you were not aware that the Gaekwar was in possession of that very document. Have you never heard that he was?—No.

Have you not heard that it was shown by his minister to Sir Lewis Pelly?—No.

Will you cast your eye down that paper and tell me whether you believe that to be an accurate copy of the communication you received from the Bombay Government removing you from the office you held?

The Advocate-General—I would ask your Lordship whether this is a matter before the Commission. The Commission is not here to enquire into what Colonel Phayre did in the capacity of Political Superintendent in Upper Sind, and whether or not the Gaekwar is in possession of documents relating to that subject. That is a matter which, I apprehend, is immaterial to this enquiry. But I am entirely in the hands of the Commission, and if the Commission think it desirable so far to travel out of the record as to go into matters of this kind, I have not a word to say.

Mr. Serjeant Ballantine—I have not asked these questions without due consideration and without considering also the grounds upon which I shall put them in the event of their being objected to, as I contemplated it would not be improbable they would be. I propose to prove that the Gaekwar had full knowledge of the terms used by the Bombay Government, and I propose hereafter to argue, with that knowledge, the great improbability that he should commit the act imputed to him; that it was the natural element of his mind to conceive that the particular course he took would meet with the approbation of the Bombay Government. That he believed he would be successful in the course he was then adopting in relation to Colonel Phayre; and that there was not, therefore, in reality, the slightest obligation or necessity on his part to commit the act imputed to him. It is on that ground that I put it. I might have put it on another ground, as your Lordship is well aware; but I did not wish to put it without I had a purpose more direct in view than a mere question as to what could be the only matter that could ever arise in discussing the conduct of Colonel Phayre, namely, whether or not he was a discreet man in his relations with the Gaekwar. I did not wish to put it upon that ground alone, although I apprehend that also is a ground upon which I might ask to be allowed to proceed with this cross-examination.

The Advocate-General.—I would call attention, my Lord, to the terms under which this Commission is appointed. In the Viceroy and Governor-General's Notification it is said the "Viceroy and Governor-

General in Council hereby declares his desire that you shall not extend your enquiry to other matters than the offences imputed to His Highness Mulharrao Gaekwar as aforesaid; and that you shall not permit any such other matters to be submitted to you for consideration or enquiry." It was upon that part of the Notification that I dwelt in saying I left it entirely to the Commission to say whether or not any matters of this kind should be gone into.

The President.—I think Serjeant Ballantine is entitled to go into it for the first purpose of showing what knowledge the Gaekwar had of these resolutions of the Government of Bombay. I put it upon that ground.

Serjeant Ballantine.—And upon that ground simply I intended to argue it. I would not have asked it upon any other ground. I need not say that I deem it to be very important in the argument which I shall have to address to you hereafter.

Cross-examination continued.—Colonel Phayre, I will only ask you whether or not, as far as your memory goes, this is a correct copy of the document you received?—This is marked "private" and I never saw a private document.

Do you or do you not believe that this is substantially a correct copy?—I do not.

Can you tell me in what you would say that it is inaccurate?—I don't recognize it at all. If I saw the printed Government Resolution I should recognize it, and the complete reply that I gave to it.

I have no doubt that you could do it effectually?—I know that.

I am going now into the matter of what the Gaekwar knew, which of course may be untrue?—I will give you every information.

It may be an utter delusion from beginning to end, but it is what the Gaekwar believed, and that is what we have got to do with?—So far from wishing to conceal or withhold anything, I wish to give you everything.

Inasmuch as you were completely cleared afterwards, of course you can have no objection to do so?—I know that.

During the time that you were in Sind, did you in point of fact advise a prosecution of various persons for gross frauds?—Yes, I did for certain frauds.

I am obliged to read this to you, as you do not seem to recognize it. Now, let me ask you, Colonel Phayre, because it may save you time, pain, and trouble. Can you put your hand on the original document?—I could not here. But when you have said frauds, I should like to know if you refer to the Barron frauds, or the extensive system of frauds which have been brought to light in the High Court of Bombay, that I may know to what frauds you refer.

Will you kindly answer this question. Can you within a reasonable time obtain the original document? If you can, all I want is that you should produce it?—I could not use any Government paper without the sanction of Government.

You could do with the sanction of this Commission. —With the sanction of this Court I shall be delighted to produce the papers in the whole of the Barron frauds.

The President.—All that you are asked is whether you can procure this document?—Which, this single document? I do not know where it is, my Lord, but I have the one Resolution dated the 5th May and I have the final decision of the Bombay Government.

The Advocate-General.—We will undertake to telegraph to Bombay for this document. I may say that we have had no notice whatever from the other side to produce these files, nor has Colonel Phayre them in his possession.

The President.—Can you get these original documents?

The Advocate-General.—I will just ascertain from Colonel Phayre. (To Mr. Serjeant Ballantine).—What is the date of this document.

Mr. Serjeant Ballantine (referring to the copy in his hand).—This purports to be dated the 4th May 1872 and is numbered 1023.

The Advocate-General.—We will send for the whole files.

Mr. Serjeant Ballantine.—The files will be more important than anything I can say. (To Colonel Phayre).—I shall be sincerely glad if it turns out that you were quite correct?—It is so.

I have not the least objection to your saying so, and I am very glad to hear it. In November 1873, a Commission commenced sitting in Baroda. I think I am accurate about the date?—Yes, November 1873.

To enquire into certain charges of maladministration on the part of the Gaekwar?—Yes.

I believe that General Meade was the President of that Commission. Is that so?—Yes.

And it ended on the 24th of December in the same year?—Yes.

And subsequently an elaborate report appeared?—Yes.

Was the Gaekwar married on the 7th May, 1874?—Yes.

And I believe I may take it that there was some unpleasantness between you and His Highness upon that subject and that he complained of what he deemed to be want of respect on your part?—A khureeta was written.

There were certain forms he insisted were due to him, and that you did not consider it proper to carry out?—No.

At all events, he made some complaints?—The real cause was that the Government had directed me not to go to the marriage.

The President.—The question is, did the Gaekwar make complaints of want of respect.

Colonel Phayre.—The Gaekwar made a complaint which is couched in a khureeta, and the whole correspondence is with the Government of India. There is a decision of the Government of India upon it.

Mr. Serjeant Ballantine.—He admitted, did he not, that you were bound to obey the Government of India, but that you might have received his messenger notwithstanding?—There was nothing personal in the matter. It was entirely connected with my official position towards Government. His Highness continued to visit me privately all the same.

Are you aware of the fact that there was a khureeta from the Gaekwar to the Viceroy on the 17th May or about that time?—Any khureeta that went from the Gaekwar would go through me.

I mean a khureeta promising reform?

The Advocate-General.—I must ask my learned friend, if he is going to rely upon any of the khureetas, to put them in the regular way.

Mr. Serjeant Ballantine.—I am only asking now as to the dates—most likely I shall put in these khureetas.

The Advocate-General.—We must have the whole contents, if they go in at all.

Mr. Serjeant Ballantine.—I have not the least objection to the whole contents being given from beginning to end, but it does not appear to me that it is necessary to do so.

(Question repeated to Colonel Phayre).—Yes.

Do you know of a khureeta from the Viceroy of 25th July, in answer to the one from the Gaekwar?—I do.

And was the effect of that khureeta to give the Gaekwar an opportunity of reformation until the end of the year 1875?—Yes, progress being reported upon by me to Government whenever I thought it necessary.

Of course, asking about these matters, I am bound to put them in; but I think it more convenient to place the salient points before the Court than if I were to read a mass of unintelligible matter.

Had there been any question between you and the Gaekwar about the appointment of Dadabhoj Nowrojee as his minister?—There had been no question between me and the Gaekwar. His Highness asked me my opinion about his minister.

And you disapproved of him?—I informed His Highness what my opinion was.

Very well, was that adverse?—It was adverse to Mr. Nowrojee, but that according to His Excellency the Viceroy and Governor-General's orders, His Highness was to judge for himself exclusively.

That gentleman continued to act as minister?—He was minister.

He was appointed by a khureeta? No, he was appointed by His Highness. He was confirmed in fact.

And continued to act?—He had been minister for nine or ten months previously. He was then confirmed.

Now, I believe that you were in constant communication with Mr. Dadabhoj for some months after that date?—From what date?

From July 25th, say, up to November?—From about the 10th or 12th August 1874, my communications commenced with Mr. Dadabhoj as minister. Before that Mr. Dadabhoj had carried on the administration himself.

Now, without going into the question who was right or who was wrong, were there any complaints made by Mr. Dadabhoj as to your conduct in the matter?—I don't know of any complaints.

I mean to yourself?—To me?

To you personally—did he complain about your hurrying matters on?—I did not hear any. We met daily and discussed matters, but I heard nothing about complaints. I made complaints to His Highness the Gaekwar, and His Highness summoned Mr. Dadabhoj.

I only want to come up to November 2nd, 1874. We are near the scene of action now. Was there a khureeta sent by the Gaekwar on that date to the Viceroy?—Yes. It was on the same day that I sent in my first Progress Report that he sent in a khureeta.

You sent a Progress Report and he a khureeta—so you do not seem to have been on very pleasant terms with each other?—Only in the way of business. I propose to put in the khureeta of the 2nd November 1874, and I think that is a document that I should desire to have read.

The Secretary then read the khureeta as follows:—To His Excellency the Right Honourable Thomas George Baring Baron Northbrook, G. M. S. I., Viceroy and Governor-General of India, Calcutta.

My Honored and Valued Friend,—From the events which occurred prior to your Excellency's khureeta of 25th July 1874, it is plain that the administration of this state cannot be carried on and the necessary reforms introduced without the cordial support of the Resident. It had occurred to me, among other matters I desired to say in reply to the above khureeta, whether I should not solicit your Excellency's attention to the position which the present Resident, Col. Phayre, had all along taken up towards me, and to submit for your Excellency's consideration whether, with the want of sympathy which existed between us, I could expect an unbiased and fair treatment at his hands in future. I, however, refrained from troubling your Excellency, owing to the confidence expressed by your Excellency in Colonel Phayre, and in the hope that, seeing the course I resolved to adopt on receipt of your Excellency's advice, he would forget the past and assist me with his active sympathy in the difficult work of introducing a reformed regime. But I deeply regret to say from the experience of the past three months that this hope has not only been not realized, but that on the contrary Colonel Phayre has evinced, if anything, a more determined and active opposition towards me and my administration than before.

From the very commencement he had expressed a strong opposition to the selection of the minister of my choice. The assurance of support subsequently given by him to my minister, however, raised hopes in me, but they have not been realized.

On the receipt of your Excellency's khureeta, I at once took the necessary steps as far as practicable and have been endeavouring all along to give effect to the advice contained therein. Among other things, I have to replace the executive machinery of Government with able and experienced men, to satisfy, on some equitable basis, the demands of the Sirdars and others which had received attention from the British Government, and to inquire into and revise the existing land revenue settlement throughout the whole territory. No one, however, can know better than the Resident what difficulties each of these subjects presents, especially when all this is to be effected in a very short time. But when, owing to his former attitude, even Colonel Phayre's presence alone would have been enough for a continuance of the unsettled state of the mind of the people, unless he gave me open and cordial support, the difficulties of my work become vastly increased by the course of open opposition he has been lately pursuing. I am therefore driven to appeal to your Excellency, which I do most reluctantly to decide whether under such circumstances I can have a fair trial.

I may mention here one or two instances in support of my complaint. A charge of defamation was some days ago preferred by my father-in-law against a sildar by name Chanderao Kadoo. My Dewan himself in the presence of Chanderao read over the proceedings of the preliminary investigation, and in order to give both parties the benefit of an impartial trial, I directed the Chief Magistrate, Mr. H. A. Wadia to try the case instead of the Senaputtee, who is my relative. The accused suddenly left Baroda and, I was informed, went to the camp. What he did there I cannot say. But soon after several other Sildars and some Sirdars, with their retainers, some hundred and fifty in number, assembled, armed in the house of one of them, openly defying the Durbar authority and threatening armed resistance. They told the Durbar officials, who went to serve the summons on Chanderao that the case in which his attendance was required was a caste concern, and that they would defend him with their lives if attempts were made to enforce his attendance. They then escorted him to his house and remained there armed to guard him. I sent the Dewan to represent the matter to Colonel Phayre, in the hope that he would use the influence he had over them and uphold the Durbar authority. But to my astonishment the Dewan found the Resident prepared to justify their conduct on the very same plea, and almost in the very same words the Sildars themselves had used. He refused to persuade them to disperse, saying that they would do so only if the criminal proceedings were withdrawn. On the joyful occasion of the birth of my son I resolved to give up further proceedings against Chanderao when I sent the Chief Justice of the High Court to explain to the assembled Sildars that further criminal proceedings would not be taken against Chanderao, and to ask them to return to their houses. They refused to do so and substituted in place of Chanderao's case a new plea for resistance, that unless the grievances of one and all of them were redressed they would not separate. The Resident at the same time addressed me a yad with reference to this assemblage, putting me the very same question, viz., what steps had been taken by me towards settling the grievances of the Sirdars, showing a remarkable coincidence of views.

As another instance, I beg to enclose copy of a letter received from the Resident dated 20th October 1874, and translation of a petition to the Government of Bombay which accompanied it. The petition is from certain Sindhee Mahomedan cultivators complaining that they were prevented from cutting their crops and were mohosalled, &c. Your Excellency will observe the threat of an appeal to arms which is contained in the petition. On enquiry I find that these petitioners had not made any complaints since the commencement of the last rainy season either to the talooka authorities, to the head of the Revenue Department or to the Dewan. The petition further, on the very face of it, shows that it has been drawn up under the inspiration of designing persons. Colonel Phayre, however, without making any enquiry from me, at once addressed me the above letter. This letter is enough to show the spirit in which the Resident acts towards me. Such proceedings on the part of the Resident cannot but have the effect of encouraging the turbulent propensity of such a class of Mahomedans, and disloyalty generally.

These two instances which I have taken as representative ones can hardly give an idea of the harassing and vexatious treatment I am at present receiving at the Resident's hands.

This attitude on the part of the British representative has naturally become a source of serious anxiety to me, especially as in such times persons are not wanting who for their private ends take advantage of this state of things to misrepresent me and to instigate continuous resistance to my authority among my subjects. The result will be a great loss of revenue this year and a continuance of the unsettled state of the minds of the people. How seriously this state of affairs must embarrass and obstruct me in my intended reforms, it is not difficult to conceive.

Your Excellency knows well the extent and nature of the work before me, and I owe it to myself and those whom I have engaged for that work to submit how hopeless any efforts on my part would be if

Colonel Phayre were to continue here as representative of the Paramount Power with his uncompromising bias against me and my officials.

I beg it to be understood that I do not impute other than conscientious motives to Colonel Phayre. But he is too far committed to a distinct line of policy and to certain extreme views and opinions, and he naturally feels himself bound to support all and everything he has hitherto said or done. He makes no allowances. He forgets that till the officials I have asked for came, I could not make much progress in the mahals, and continues to lend a ready ear to complaints against me, thus defeating the very object which he says he has in view of helping in the arduous task before me; Col. Phayre has been my prosecutor with a determined and strong will and purpose, and that he should now be made to sit in judgment upon me is, I must submit, simply unfair to me. From only three months' experience, it is clear that he has prejudged the case, and I cannot expect an impartial report from him. I leave myself into your Excellency's hands. Your Excellency has asked me to stake my all on this trial, and I must therefore request your Excellency to place me in a condition in which I can really have the fair trial your Excellency has given me.

I may mention here that I have made some progress in the various reforms recommended by your Excellency, which will be communicated to Government in due time. As to what I have already done, and what I propose to do, in the matter of the claims contained in the Commission's report, and upon which Government have given advice, I shall shortly send in a complete statement. For the reduction of assessment I have already fixed upon my arrangements and I am only waiting for the Government officials I have asked for to carry them into effect.

As I cannot enter, in a khureeta like this, into all those incidents which make up my present troubles and anxieties, I request that my minister be permitted to visit your Excellency with the Resident. I shall feel highly obliged by Your Excellency granting this permission by telegram.

I beg to express the high consideration and esteem I entertain for your Excellency, and subscribe myself

Your Excellency's sincere Friend,

(Signed.) HIS HIGHNESS MALHARAO MAHARAJA GAEKWAR SENA KHASHKHEL SHUMSHER BAHADOOR.

Baroda Palace, 2nd November 1874.

Mr. Serjeant—I will put that in under No. 1. (To witness.)—Now I believe the answer to that came on the 25th of the same month. Am I right about that?—I do not think it was given as an answer to that khureeta. I don't think the khureeta was quoted at all.

I will read it, and I will put this in also (reads it):—

To His Highness Maharaja Mulharao Gaekwar Sena Khas Khail Shumshere Bahadoor, Baroda.

Fort William, the 25th November, 1874.

MY HONOURED AND VALUED FRIEND,—I have received through the Bombay Government your Highness's khureeta, dated 2nd November 1874.

I deem it unnecessary to discuss with your Highness the reasons you have given for desiring a change in the Baroda Residency. But after a careful consideration of the circumstances that have taken place, and, moreover, in pursuance of the determination of the Government of India to afford your Highness every opportunity of inaugurating a new system of administration with success, I have made arrangements to depute an officer of high rank and of wide experience in political affairs to be the representative of the British Government at your Highness's Court.

Accordingly I have appointed Sir Lewis Pelly, K.C.S.I., my Agent for Rajpootana, to be my agent at Baroda, and he will present this khureeta to your Highness.

In giving to your Highness the great advantage of the advice and assistance of an officer of such high distinction, who has filled important political functions with great ability and to my entire satisfaction, I have now done everything in my power to aid your Highness in the efforts which I am glad to be informed by the khureeta under reply, are being made to reform the administration of your Highness's territories in consequence of the khureeta I addressed to your Highness on 25th July 1874.

I shall await with anxiety the reports which I shall receive from Sir Lewis Pelly from time to time of the progress of the measures which your Highness is taking with this object.

I beg to express the high consideration I entertain for your Highness and to subscribe myself,

Your Highness's Sincere Friend,

NORTHBROOK,

Viceroy and Governor-General.

That was an answer to it?—Yes; that did not come through me.

The President (to Mr. Serjeant Ballantine).—Did you read the original?

Mr. Serjeant Ballantine—No, my Lord, from a copy.

The President—We must have the original produced. Where is it?

Mr. Serjeant Ballantine—We got this copy upon inspection, as the whole of His Highness's papers were seized and are in the hands of the police.

A—That must have come through me.

The Advocate-General—We will have the original produced.

Mr. Serjeant Ballantine—There is one other date that may not be unimportant hereafter. Were you aware of the birth of a child of this marriage on the 16th October 1874?—Yes. His Highness was married on the 7th or 9th May 1874, and the child was born on the 16th October 1874.

Still it was after the marriage?—Yes, after the marriage.

That of course involves a question of law that I at all events do not now propose to discuss. That it was after the marriage is sufficient. Now in the months of September and October preceding the date of this attempt to poison you, you say that you were suffering from a boil on the forehead?—Yes. Dr. Seward was then attending upon me.

From the commencement he supplied the plaster that you used?—He both supplied and applied it.

And it was at that time, I understand you to say, that you had slight fever, a sense of fullness about the head and watering of the eyes?—Yes, about that time and subsequently.

Can you tell me whether these sensations existed before or after the plaster?—I am speaking of the period. It was unconnected with the plaster. It commenced before the plaster, and lasted after the plaster. In fact, I imagined the boil was the cause of the giddiness.

And then at that time you began to wonder whether the sherbet was made with proper pummelo?—Yes.

At that time used you to drink the whole of it?—I used sometimes to drink the whole of it, and sometimes not. I used generally to drink the whole of it.

You were not prevented by any opinion of its badness from drinking it?—Sometimes I threw it away and sometimes not. I said something to my servant Abdoola. I asked him why he did not make it properly. He brought me two pummelos and said they were bad, and therefore he did not make it. That was on one or two occasions.

You did not at that time enter into any investigation about the pummelo juice?—Oh, no.

If I understand you correctly, Colonel Phayre, it was on the 6th November that you noticed a peculiar taste?—In what?

In the pummelo juice?—Oh dear, no.

That is quite sufficient. I think that you said you took a sip or two and then threw the rest away?—Do you mean on the 6th?

Yes—Yes.

And upon that day you did not feel well?—Yes, afterwards.

Heavy about the head, and I think you used the expressions "much as you had felt in September and October?"—Yes.

On the 7th you did not drink the sherbet?—I did not drink the whole of it.

I noticed in my learned friend the Advocate-General's examination that he did not question you about the 8th. Did you try the sherbet that day?—No. It was Sunday, and I felt so ill that I did not take anything.

Then we have heard your account of what took place on the 9th, and you have told us that you threw the contents, or a great portion of the contents, of the tumbler out of the window?—Yes.

What quantity do you suppose was left in the tumbler?—There was no liquid scarcely. It was all a dark substance.

Would you describe the residuum as being a damp substance, or was there any liquid?—I saw a dark substance at the bottom of the tumbler, and some liquid pouring down the side of it—a very small portion.

How much do you suppose altogether there was after the liquid had deposited itself at the bottom?—It covered the bottom of the tumbler. I should think there was a couple of tea-spoons full—There might have been a little less, perhaps a tea-spoonful and a half.

How much of this did Dr. Seward see?—He saw the whole of it; I never touched it.

You say it had a dark appearance. Can you illustrate that expression in any way?—I have seen pummelo juice.—This that I saw was not pummelo juice; it was another substance.

Was it another colour?—Certainly; pummelo juice is red.

I should have thought it was brown. I take it, then that it was a perfectly different colour?—Yes.

Now I hold in my hand, Colonel Phayre, what purports to be a copy of a letter from you. I believe it is referring to your demi-official letter of the 13th November. The last paragraph in that is—"Previous to the receipt of your letter under reference I had received secret and confidential information that the poison administered to me did consist—first, of common arsenic; secondly, finely powdered diamond dust; and thirdly, copper?"—Yes.

From whom did you receive that information?—I received it from persons who generally give me information. I could not tell exactly who gave it.

Serjeant Ballantine thought it desirable to read the whole of the letter. The letter was marked No. 3.

No. 501 or 1874.

Dated 13th November, 1874.

From the Resident, Baroda, to the Chemical Analyser to Government of Bombay.

Sir—Referring to your demi-official letter to the address of the Residency Surgeon, Baroda, dated 11th, sent relating to a small packet of poisonous matter forwarded to you for examination by Dr. Seward, I have the honor to request that you will be kind enough to favour me with a formal official report as to the contents of the poisonous matter above referred to.

2. With reference to the statement made in your letter that the powder forwarded to you consisted partly of common white arsenic and partly of finely powdered silicious matter which, under the microscope, appeared to be either powdered glass or quartz, being most like the former, I should feel much obliged by

your kindly informing me whether in your opinion the silicious matter referred to can possibly be powdered diamond.

3. Previous to the receipt of your letter under reference I had received secret and confidential information* that the poison administered to me did consist of a mixture of (1) common arsenic, (2) finely powdered diamond dust, (3) copper.

The importance of verifying, if possible, this information is obvious.

I have, &c.,

(Sd.) R. PHAYRE, Resident.

Serjeant Ballantine added—There is a marginal note upon it, "Please do not mention this at present." You say, "From persons who generally gave you information." What do you mean by that?—A great number of persons gave me information.

Do you mean upon the subject of the Government of Baroda or what?—Upon all subjects connected with the grievances of the people and with all matters which were under consideration at the time. In fact, I could scarcely go out of the compound on the public road without being met on all sides by people with complaints. Petitions and petitioners also were a source of information.

Just tell me, were there any persons attached to the Residency who were in the habit of giving you information?—There were none attached to the Residency in particular, but a number of persons used to come to the Residency and give me information, and I could give you a roll of their names.

Did they receive any money?—No.

Never?—Never.

You never paid at all for that information? No, I had plenty of information without paying for it. A broken-hearted people do not require to be paid.

Don't make a speech about broken-hearted people. This is a serious political trial, Colonel Phayre—So it is.

And the reference to a broken-hearted people is not required. If I wish to indulge in such language I might just as well talk about a persecuted prince. So be kind enough not to repeat it. Now be good enough to answer the questions I put to you, Colonel Phayre. Have the persons who have given you such information, received money, to your knowledge, for such information?—No.

On any occasion?—Never from me, nor do I know that they have.

What is your belief upon the subject—do you believe that they have, or have not?—I believe that they have not.

And now, sir, to run back to this letter, you know you have described this as if you thoroughly knew the parties who gave it. "I have received secret and confidential information." Am I to understand that you can give the Commission no clue to the secret and confidential information that led you, among other things, to suggest copper?—I can give no information. Amongst the persons who gave me the information, it was one or the other amongst them, but which particular person it was I could not say without enquiry. I can give a list of all the persons who used generally to give me information, and it was one or other amongst them.

Wait a moment. You are writing this to Dr. Gray, and you are telling him that the importance of verifying the information is obvious. You know this is written four days after the supposed attempt to poison you, and is written with the object of governing the analysis of the Chemist?—I had no such object, sir.

You say "the importance of verifying this information is obvious." What do you mean?—Certainly not to govern the analysis of the Chemical Analyser or anybody else.

That is not the question. You say the importance of verifying the information is obvious?—Of course, the importance of verifying whether it contained diamond dust or not. And it did not matter, because the answer came to me before that letter was received.

The reason I call your attention to this letter is, that it occurs to me that, written at that time, and under the peculiar circumstances, it is odd that you do not remember who your informants were?—I have told you I will give you a list of my informants, and try and tell you who it was.

You examined several persons. Why, if anybody told you or gave you reason to suppose that you had been nearly poisoned with arsenic, diamond dust, or copper, did you not take down his evidence and make a memorandum of his name?—I did not think it necessary. I wanted to ascertain correctly from the Chemical Analyser. There is the correspondence. I wanted to get the evidence of a proper person.

Colonel Phayre, I must remind you that you assert a most important and vital fact, that "secret and confidential information had been given to you," and that a portion of the poison was at all events copper. I ask you to give any good reason to the Commission why you did not examine this person, make a note of his name, and produce him before the Court?—Because it was secret and confidential information, and I did not think it was right, and according to the evidence it has turned out that a portion of it was not correct.

Of course you know Bhow Pooniker?—I do.

Was it he?—I do not know. It may have been.

Now, Colonel Phayre, was it Bhow Pooniker or not?—It was either Bhow Pooniker or another man. I will inquire.

No, Colonel Phayre, you shall not inquire until you have answered my question. Was it Bhow Pooniker?

—I cannot say. It was either Bhow Pooniker or the other man.

To the best of your belief, was it Bhow Pooniker?—To the best of my belief, I cannot say.

Who is the other man?—The other man I referred to is named Bulwuntrao, a moonshee. But there is a list of persons.

I won't have a list of persons, sir, I shall just have your evidence. Was it Bhow Pooniker or the other man you mentioned?—I tell you I cannot say.

Was it one or other of them?—So I believe.

Was Bhow Pooniker the person who in the course of the Commission which sat in Baroda took a very active part against the Gaekwar?—How do you mean?

Really I think my language is plain enough. Did he take an active part against the Gaekwar?

Colonel Phayre (to the President.)—I wish it to be explained, my Lord, in what manner.

Serjeant Ballantine (to witness.)—If you were told to take an active part against anybody, I think you would understand?—If you mean that Bhow Pooniker gave me information, that is perfectly true, I had put his name down as an honourable person, who had given me a great deal of useful information in the cause of reform, and who was an honourable and perfectly reliable person.

Serjeant Ballantine—That is your opinion?—That is my opinion.

Then I accept it as your opinion simply.

Was this extremely useful information given by this highly honourable person in favour of reform also adverse to the Gaekwar?—He was never adverse to the Gaekwar that I know of. In representing the grievances of the people, in representing matters that were wrong, he gave information.

I do not think you are dealing quite fairly with me, Colonel Phayre. You know that gentlemen of your high position and education must understand this very simple question—Was the character of the information given by Bhow Pooniker adverse to the Gaekwar? Whether just or unjust is not the question. He may have been a true patriot and the Gaekwar a great tyrant. Was he adverse to the Gaekwar?—If he had had anything good to say about the Gaekwar, he would have said it.

The President—Colonel Phayre, allow me. That is not an answer to the question—Very well, my Lord. Often I received information which was the very reverse of adverse. I was not against the Gaekwar myself. I was for him.

Cannot you answer the question the learned counsel puts to you, Colonel Phayre?—Was it adverse to the Gaekwar?—I don't wish to say that Bhow Pooniker's evidence was at all times adverse because it was not.

Was it adverse sometimes?—In cases where it would be adverse, he was adverse to the Gaekwar.

Mr. Serjeant Ballantine—I shall not occupy the time of the Commission by constant questions, but I must ask you, Colonel Phayre, as an officer and a gentleman, whether in your judgment Bhow Pooniker was not adverse to the Gaekwar. That is a question a gentleman and a man of honor can thoroughly understand?—Yes, I have given you my answer.

Give it to me again—say "yes" or "no"? (To the President.)—I think, my Lord, you will hold that this question is capable of a "yes" or "no" answer?—Not always.

Was he, as a general rule, adverse to the Gaekwar?—Not as a general rule.

Did not Bhow Pooniker, as a matter of fact, get up cases against the Gaekwar before the Commission?—He gave information regarding many of the cases, but not all of them.

Amongst other cases, in which you say he gave information, was the complaint of Saaduk Ali, the camel driver, one of them?—No. Saaduk Ali gave it himself.

Now I ask you, Colonel Phayre, to your perfect knowledge, did not Bhow Pooniker get up or manage the case of Saaduk Ali?—Get up or manage? I received it first from Government to report upon it.

I ask you, Colonel Phayre, whether to your knowledge Bhow Pooniker did not get up or manage the case of Saaduk Ali before the Commission?—He did not get up the case for Saaduk Ali before the Commission as far as I know.

Did he manage it?—He did not manage it in the full sense of the term. He may have got up information about it, it was a case got up long before. He may have helped Saaduk Ali, but I don't know. I have no doubt that he gave Saaduk Ali advice. The case was got up long before. I have no doubt that he gave Saaduk Ali a little assistance.

What did Bhow Pooniker or the other man (one of those two men) tell you about the copper?—As far as I recollect, he told me that he had heard that the ingredients to be put into that tumbler were arsenic, diamond dust, and copper. That is the information as I got it—so much and no more. I never asked about it since.

Mr. Melvill—Bhow Pooniker or the other man?—Yes, whoever it was, I did not put down the name. That was what we call kutchu kubber.

Interpreter—That means imperfect information.

Witness—Kutchu kubber is gup, it comes in daily.

Mr. Serjeant Ballantine—But you see, this was upon an important subject. Did you ask him what his grounds were for supposing that those ingredients would be put in the tumbler?—No, I did not go into the matter at all; I was engaged about other matters. It just came in as kutchu kubber.

Are you in the habit of calling kutchu kubber "secret and confidential" communications?—It depends on where it comes from, and on the nature of it.

Did you consider this as mere kutchu kubber?—I did at the time.

Why did you call what you thought at the time was kutchu kubber "secret and confidential" information?—Because I did not wish to speak about it. There are many things which you get as kutchu kubber that you don't like to speak about.

Then why did you call it "secret" and important?—Because it was secret and confidential information for the doctor to verify. I sent it to the doctor to enquire about it, to see whether it was right or wrong.

You said previously, didn't you, that there was a copper taste in the liquid that you had?—No, I said to Dr. Seward that there was a copper taste in my mouth after drinking it.

Which you had not before?—No.

But that is very much like saying that it is in the liquid?—No, I understand you to mean that there was a copper taste in the liquid. I did not taste it in the liquid, but in my mouth afterwards, that was a considerable time after drinking it you know.

You tasted it in your mouth afterwards?—Yes, afterwards; a considerable time after drinking. I experienced that coppery taste when I was speaking to Dr. Seward. I said to Dr. Seward 'I feel it even now.'

That would imply that you had felt it before?—I said that I had got a sort of coppery taste in my mouth with a tendency to salivation.

When did you experience it—immediately after drinking?—No, not until that time, that would be three-quarters of an hour.

You had taken nothing in the interval?—Yes, I might have smoked a cigar or something of that sort.

I suppose that would not have given you a coppery taste in your mouth?—I don't know. Acting on the arsenic and so on, I don't know what the effect might be, or might not be.

Very well; if you did not experience a coppery taste at the time what was it that was disagreeable to the taste? You say you put it aside after one or two sips in consequence of the taste, what was the taste?—I did not say anything of the sort, sir, that has been put into my mouth twice that I put it aside in consequence of the taste.

On the contrary it may have been put into you, but not into your mouth (laughter). Did you or did you not feel any taste that led you to throw away the liquid?—No, it was not in consequence of the taste that I put the tumbler aside, but in consequence of the effects I felt. I did not feel the effects until twenty minutes or half an hour after.

Am I to understand then that you did not throw away the contents of the tumbler for twenty minutes or half an hour?—Certainly, if you are alluding to the ninth?

Yes, then, the feelings which you experienced twenty minutes or half an hour afterwards was what induced you to throw away the liquid?—It was that.

Now upon the 6th and 7th November, when you did not continue drinking the liquid, did I misunderstand you when you said that you had a taste in your mouth then?—No, I had not.

Did you have any taste?—No.

Then why did you not continue drinking it on the 6th and 7th?—I cannot account for it except that by the mercy of God I was protected from drinking it, that is all.

In courts of justice we look for human causes. Was there anything that induced you not to drink it except the mercy of God?—There was no reason. There it was, I took it up and took a sip or two and threw it away under the impression that I did not want it or something of that sort.

Then there was no reason patent to your mind for throwing it away?—No, none whatever.

No feeling and no taste?—There had been. To which of those are you alluding to? On the 7th I had been unwell after drinking that on the 6th, and therefore on the 7th I might have been influenced by the feelings of the previous day.

First of all, tell me what prevented you from drinking it on the 6th?—The reason of that I have already given. I have no other. I know I simply took it up and put it down again and threw it away. I can give no other reason, so far as I know.

Was the reason that you did not drink it on the 7th because you had been ill on the 6th?—On the 6th I was not well—I cannot say what the actual reason was—but I dare say that that had an influence upon me, because I had been unwell the day before. I had doubts about the sherbet.

That was not from any taste in the sherbet at all?—No, not from the taste of the sherbet, but from the effects upon my health that I have described before.

But that was not from any taste in the sherbet?—Not from the taste of the sherbet, but from the effects upon my health.

Amongst the persons that you examined, was Rowjee bin Rams one of them?—Yes, Rowjee Havildar.

Did he say, among other things, "I suspect Faizoo because he has for a long time past been engaged in all kinds of intrigues both in the time of Colonel Barr and Colonel Shortt?—In Colonel Shortt's time he used to go with Colonel Shortt's butler to the house of Rahoorkar, Nana Saheb and others for the purpose of giving them information. I have myself seen Faizoo go with Colonel Shortt's butler and others to the city for this purpose"—Yes, he did.

(The Commission here adjourned for tiffin.)

After tiffin,—

H. H. the Gaekwar was absent.

Mr. Serjeant Ballantine put in the authorised copy of Letter No. 2.

Cross-examination of Colonel Phayre continued by Mr. Serjeant Ballantine.

Had Bhow Pooniker access to the Residency?—When do you mean?

During the time when you were there?—Yes.

Had he access to this private office of yours?—Yes. In your absence?—No, in my presence. Many others had access to it.

I did not ask you that. Do you mean that you never found Bhow Pooniker in your office when you came back?—I never found him in that office when I came back.

Now, Colonel Phayre, am I to take it that you answer with deliberation?—I am answering with deliberation; I never found Bhow Pooniker in that private office when I returned from being out.

Not at any time?—Very often I may have had to go into another room during the time that he had been there, and on such occasions I may have found him when I came back with others.

Does that imply that you never found him there, when you did not leave him there?—I never found him there in the morning.

That is not an answer to my question? I beg your pardon for assuming that you did not understand what was perfectly plain. Have you never found Bhow Pooniker in your office on any occasion when you had not left him there?—Never.

In no instance?—In no instance that I know of.

Then am I to take it that such was not constantly the case. I am assuming that it was not frequently the custom to Bhow Pooniker to come to your private office, and if you were out to wait until your return?—Certainly, never in my private office; he may have been in the ante-room with the native assistants or clerks.

Or he may have been alone?—No, not that I know of.

If he were in the ante-room, would he not have access to your private office?—Yes; but not without other persons seeing him.

That again, sir, I did not ask you. Did you hear from Bhow Pooniker that the khureeta of the 2nd November was about to be sent in to the Government of India?—I did.

When did you hear that?—I cannot say exactly. It may have been on the day or the day before, but I heard it I know.

What is the best of your recollection upon the subject, Colonel Phayre?—It was either on the day or the day before, or some time about that time, I cannot say exactly.

How did Bhow Pooniker know anything about it?—I do not know.

Did you ask him?—No.

And he told you, then, of a private khureeta about to be sent to the Viceroy and Governor-General of India some time before you knew anything of it officially?—No, he mentioned that such a paper or the "jawab" was under preparation.

Did he tell you where he had learned his information from?—No.

Did he tell you the nature of it?—No, not that I am aware of.

Not that you know of? Pray be cautious, Colonel Phayre, did he tell you the nature of it?—No.

What did he tell you?—He merely said that a letter was under preparation to the Governor-General. I tell you as far as I know.

Was that complaining of you?—I did not know what it was, but that is what I tell you.

Complaining of you, Colonel Phayre. I repeat, you must tell me, Colonel Phayre, whether you know of the contents of a private letter that was being prepared by the Gaekwar?—I swear positively that I do not.

That you do not what?—That I did not learn the contents of the khureeta.

Did you learn generally the nature of the contents?—I did not.

Did you learn that it was a general complaint against you?—I did not, so far as I know.

I won't put it to a gentleman in your position and with your education that you are upon your oath. But will you state that you did not know that this khureeta being prepared was a complaint against yourself?—I did not know, although I had formed an idea that it was such a thing.

Was Bhow Pooniker then a spy upon the Gaekwar, or what was he?—He was an agent of one of the nobles of the state, Meer Ibrahim Ali.

Then how came he to give you information, was he constantly at the Residency giving you information?—He came upon business often. The first time I saw him he came on business connected with the Nawab Meer Zool Fucker Ali.

Then you did not ask him where he got his information?—I did not.

Now just tell me, Colonel Phayre, when had you seen Bhow Pooniker after you had taken the pumme juice and you thought you had been poisoned?—I really cannot say—he was there that day.

I almost know as much myself. What time was he there that day?—I remember him after breakfast on the 9th—that was the time he usually came.

Did you tell him about this circumstance?—No.

Are you quite sure?—Yes, I am quite sure, I did not tell anybody until after I had seen Dr. Seward.

When did you tell Bhow Pooniker?—I really cannot tell.

If he was the person who told you about the copper, when did he tell you?—I think it was upon the 12th or 13th—my letter is on the 13th.

Have you seen Bhow Pooniker lately?—Yes.

When did you see him?—I saw him since I left this court.

Have you conversed with him?—Yes, I asked him whether he had given me the information about the diamond dust and the copper, and he says he did give me that information.

The Advocate-General wished, with the permission of the Commission, to reserve his re-examination until the files called for from Bombay had arrived and his learned friend had concluded his cross-examination upon them.

Mr. Serjeant Ballantine—There is only one point that turns upon that file, and that is simply the document that conveys a reprimand from the Bombay Government upon Colonel Phayre.

The President thought that the re-examination had better be gone on with, and intimated that the Advocate-General should send for the necessary papers from Bombay and on their arrival he could examine upon them.

The Advocate-General then said that he must ask his learned friend, Mr. Serjeant Ballantine, to put in those other documents in regard to which he had been examining Colonel Phayre.

Mr. Serjeant Ballantine replied that he considered they had all been put in.

The Advocate-General said there were a number of letters and khureetas wanted, for instance the learned Serjeant had asked Colonel Phayre in regard to a khureeta written on the 9th of May 1874 by the Gaekwar making a complaint about him (Colonel Phayre). His learned friend had commenced by asking Colonel Phayre about the marriage of the Gaekwar on the 7th May, and he had then proceeded to refer to the khureeta making the complaint.

The President—Yes. A khureeta was written complaining of want of respect. Then on the 17th of May there was a second khureeta, but I did not understand the learned Serjeant to say that a khureeta had been written on the 7th or 9th May.

Mr. Serjeant Ballantine—I only asked whether complaints had been made about the time, but did not say that a khureeta was written.

The Advocate-General—Your lordship has just read the note which I referred to.

The shorthand writer was then called upon to read his notes, which he did, when it appeared that in answer to a question whether the Gaekwar had been married on the 7th May, Colonel Phayre had himself referred to a khureeta.

Re-examined by Mr. Scoble :—

Your answer was that the khureeta complained of want of respect. Now, Colonel Phayre, in reference to the marriage of the Gaekwar at Nowsaree,—did you act entirely in conformity with the orders of Government?—I acted entirely in conformity with the orders of Government.

Was your action approved of by Government?—My action was approved of by Government entirely.

And did you communicate the orders of Government to his Highness the Gaekwar in respect to your action in regard to this marriage in a yad?—I did.

Will you just tell me whether this is the draft of the yad which you so communicated?—That is the draft yad, dated 27th June 1874.

Mr. Serjeant Ballantine—I understand that these documents are in a somewhat different position from the other documents relating to this case. For reasons which were I dare say satisfactory to themselves, they refused us inspection of these documents. I will not object to their being put in, but I ask that the entire correspondence, instead of isolated matters, be put in.

Mr. Scoble—I only propose to show that Colonel Phayre acted under the orders of Government. I will take it merely that he communicated such orders on the 29th of June 1874. (To witness)—Your action was approved of by Government, was it not?—Yes, the Government of India.

You were asked, Colonel Phayre, in regard to the appointment of Mr. Dadabhoi as Dewan to His Highness, and you stated that the Gaekwar asked your opinion on the subject.—Yes, not himself personally at first, but through his karbharrees.

Will you tell me whether on the 27th of August 1874 you addressed a yad to his Highness the Gaekwar, in regard to the appointment of Mr. Dadabhoi?—Yes (looks at document). That is about Mr. Dadabhoi.

I will put in this yad, or rather a translation of it. The English version of it. It is dated the 29th August 1874 and is in these terms :—

27th August, 1874.

No. 1612.

Your Highness,—Having been consulted by His Excellency the Governor in Council regarding the present situation of affairs at Baroda, His Excellency has desired me to acknowledge the promptness with which your Highness has attended to the advice of the Government of India in the matter of removing certain officials from office, and with reference to your Highness's yad, No. 1435, dated the 14th instant, I am instructed to say that the Government, while refraining from pronouncing any opinion on the qualifications of Mr. Dadabhoi Nowrojee, desire to offer no objection whatever to that gentleman's appointment as Dewan, should your Highness in the exercise of your independent discretion think proper to appoint him.

It will be my duty to afford Mr. Dadabhoi every assistance he may need and accord to him the usual military honors.

(Sd) R. PHAYRE, Colonel, Resident

Baroda, 27th August 1874.

That will be marked L.

We will have a copy of this made, with your Lordship's permission, to put in (showing it to witness). This is the English letter which you wrote, and which

was translated?—Yes, it was translated into Marathi for communication to His Highness.

And this is an English copy of the yad you sent to the Gaekwar?—Yes.

Did you, Colonel Phayre, from the time that Mr. Dadabhoi was appointed as Dewan of His Highness, give him all the assistance in your power in the discharge of his duties?—I did.

Were any complaints ever made to you by Mr. Dadabhoi that you did not give him that assistance?—No, on the contrary, Mr. Dadabhoi more than once acknowledged the assistance I had given him in the matter of the Sirdar's cases.

You stated that certain persons were in the habit of giving you information. Were those persons employed by you, or did they voluntarily come and offer you information?—They voluntarily came.

Did you at any time pay or authorise payment to be made to such persons for the information so given to you?—Never.

I don't propose to take you through the khureeta of the 2nd November 1874. You will remember that in that khureeta you speak of the charges, first, in regard to some business of Chunderao Cadoo, and, secondly, in regard to some Sindee cultivators. I will not go into those cases, but I wish to ask you generally whether those facts are correctly stated?—The facts in regard to the case of Chunderao Cadoo, Sirdar, and the petition of some Sindee cultivators are not correctly stated in that khureeta.

Had you at any time any conversation with His Highness the Gaekwar with regard to that khureeta of the 2nd of November?—Yes, I had.

Let me ask you this. All these khureetas are translated and sent to you?—All are sent through me, and copies are given for my information.

When did you have your conversation with His Highness in regard to this khureeta?—The first day that he came after I received it. It was on Monday the 5th November—no, it was Thursday the 5th November.

Will you tell us what the conversation was, or the substance of it?—I merely mentioned to His Highness about the khureeta, and I expressed my extreme regret to think that such a khureeta had been sent, and the conversation was to the purport that the allegations were not correct.

What did the Gaekwar say in regard to that?—The Gaekwar said that it was Mr. Dadabhoi Nowrojee, his Minister, who had written it—and he was responsible for it. I then explained to his Highness that the object of allowing him to select his own Minister was that he was to be responsible for all communications made to His Excellency the Viceroy, and to the Government of Bombay—that the Gaekwar himself was to be responsible.

With regard to the transactions of the 9th of November, Colonel Phayre, from the time when you took two or three sips from the tumbler that you spoke of, until the time when you threw away the greater part of its contents, after having noticed the black sediment at the bottom of the tumbler, had any one access to that tumbler?—No.

From the time that you first noticed this black sediment at the bottom of the tumbler until the time when you handed the tumbler to Dr. Seward, had any one access to that tumbler?—No one came into the room. There was only myself in the room until I gave it to Dr. Seward. No one had access to the tumbler.

You said that the sediment or substance which you noticed in the tumbler was of a colour different to that of pummelo juice. Was there anything in the colour of the sherbet generally to attract your attention that morning?—No, it did not attract my attention. The upper part of it, at all events, was quite pure. It did not attract my attention. The upper part of the sherbet was as clear as possible. This sherbet is nothing but the juice of the pummelo.

Mr. Serjeant Ballantine—May I ask your Lordship to put this question to the witness—whether in regard to this khureeta he made a communication to the Government of India giving his own views upon it.

The President—You may put the question yourself, Mr. Serjeant Ballantine.

The question having been accordingly put, the witness answered—I did so to the Bombay Government when I forwarded the khureeta as usual.

Dr. Seward, examined by Mr. Inverarity—My name is George Edwin Seward. I am a Surgeon-Major in the Bombay Army and am Resident Surgeon at Baroda and Cantonment Magistrate. I was in Baroda during the months of September, October, and November 1874. I attended Colonel Phayre some time during the months of September and October. I attended him regularly in September or October with reference to the suppuration of the boil on his forehead—I am not certain, but I can easily tell from the prescriptions.—I think it was in September. I prescribed some simple applications for him during that time. I invariably, I believe, dressed the boil myself, except towards the latter end of that month when Colonel Phayre used to do so. I gave him at first a little adhesive plaster to put on his forehead, and afterwards I think some carbolic acid with cotton and oil, and afterwards collodion to contract it. I perfectly remember the morning of the 9th November. I remember receiving a note from Colonel Phayre on the morning of that day. That would be—but I cannot exactly tell—between half-past seven and half-past eight o'clock, but I cannot speak of that with certainty.—I cannot tell what I did with that note. I believe I tore it up and threw it away, as I have not seen it since. The note merely asked me to see Colonel Phayre on my rounds. The Resident peon who brought me that note I now know to be

Mahomed Buksh. On receipt of that note I at once walked over to the Residency. On coming up to the house I do not remember seeing any Residency servants outside of the house, as I did not make any particular observation. Before I saw Colonel Phayre I saw two of the Residency servants at the end of the verandah between the main building and the detached block in which Colonel Phayre's office is. I saw two men. I saw Nursoo Jemadar, whom I knew, and another man whom I did not know then. I have since learned that his name was Rowjee.

Mr. Serjeant Ballantine—He need not be called into court for identification. I will admit him.

Witness—I saw them at the end of the verandah near the dwarf wall described by Colonel Phayre. When the men saw me Nursoo unusually avoided me. I was in the habit of saying, "Well, Nursoo, how are you," and so forth, and he used generally to make me many salaams, and seemed pleased to see me, but this time he looked grave and looked straight down the verandah. He made his salaam, but not to me. There was something odd in the man's manner. I noticed it at the time, and I remembered this oddness of manner afterwards. Rowjee came forward with great alacrity and took my hat and umbrella. That was a very unusual thing for him to do. He never showed so much civility to me before. He did not say anything. I may have asked if his "burrah sahib" was in the office and he may have answered yes or no—I do not remember. I presume that the servants at the Residency, and amongst them Rowjee and Nursoo, knew that I was the Residency doctor. I saw Colonel Phayre in his private office; he was dressing. That is the room described by Colonel Phayre with the washhand stand. When I saw him he went to the washhand stand as far as I remember and he took up a tumbler, and pointed to the bottom of it, shewing me the sediment, and said "What's that?" There was a very small quantity of liquid in the tumbler. There would probably be something less than a dessert spoonful of liquid and of sediment. I should say there was about five grains in weight, though that is merely an estimate; it may have been more and it may have been less. I looked at the glass. A little powdery film rose out of the sediment as I shook it and inclined the glass. I added a little water from a goblet or some vessel that was near. I then observed the play of colours upon the glistening part of the sediment, and a separation between the glistening part and the non-glistening part. After this, Colonel Phayre and myself began to suspect the presence of some poison. Colonel Phayre then said that he had suspected foul play, and that he had heard of these things, and that he had heard that foul play would be attempted against him, but that he had not suspected foul play up to this time. He then described to me the symptoms he then felt.

Mr. Serjeant Ballantine—Colonel Phayre has already described the symptoms himself.

The President—I don't understand you to dispute the accuracy of what Colonel Phayre said as to the symptoms?

Mr. Serjeant Ballantine—No, my Lord, and it is unnecessary to go into them again.

Witness.—He described the symptoms. He said, as I understood him to say, that he had taken his sherbet only half an hour ago. He said that he had a nausea and a sense of soreness, making a motion from his head downwards which was very expressive (laughter)—a sense of soreness from the throat to the stomach—he did not say why, and I think he told me also that he had to abandon writing on account of the confusion in his head.

The President—You understood from his action that he had a sense of soreness from his throat to the stomach?

Witness—Yes, my lord and he described it to me subsequently.

Colonel Phayre pointed out to me the place on the verandah outside where he had thrown some of the contents of the tumbler. I and Colonel Phayre went to see the place. There was a portion on the flags, and a little on the weeds or sand beyond; evidently some liquid had been thrown there. One or two what I would call flocculae, like pieces of white cotton which it would be very difficult for me to define, and which you would not expect to find in sherbet, seemed to be there. Colonel Phayre told me he had suffered on previous occasions from colicky pains and nausea. I believe I took away the tumbler to analyse by mutual arrangement. I was anxious myself. I did take it away and I was not to show it to any one. I took it, and on my way out I again saw the peons Nursoo and Rowjee. I had a little pea-jacket on at the time, and I carried it away in my breast pocket. I put my handkerchief over it to conceal it. When I came out of the private room or office Rowjee was very officious. He immediately brought my umbrella and topee and looked at my face, scanned my person, and his demeanour was altogether different from that of the usual passive puttawalla of the Resident. Nursoo looked very grave, and his manner was unusual. I returned to my house on foot. On my way back I met the peon who had brought the letter to me from Colonel Phayre originally—that is Mahomed Buksh. I met him at the bridge called the Ranees bridge. I think it is called. That is on the middle of the Maidan between the Residency and my house. He was coming towards me. I spoke to him.

Mr. Inverarity—Just tell us what passed between you.

Mr. Serjeant Ballantine—I don't know that this can be evidence.

The President—It is a conversation between Dr. Seward and Mahomed Buksh.

Mr. Scoble—I propose to ask this question because we shall show eventually that between the time of this man's starting from Colonel Phayre's office to deliver the note to Dr. Seward, and the time he delivered it, he had had a communication with Salim.

Mr. Serjeant Ballantine—Then you must bring him and prove it—you cannot get that from this witness second-hand.

Mr. Scoble—I don't wish to shew now what passed between Mahomed Buksh and Salim.

The President (to witness.)—You met Mahomed Buksh, and had a conversation with him?

Witness—Yes, my Lord. He made a communication to me, not of his own accord, but in reply to a question put by me. I met him immediately at the bridge, so that he must have come from the direction opposite to the eastern side of the Residency. After I got over the bridge I saw two Gaekwaree horsemen coming towards the Residency. I recognised one of them. His name was Yeshwuntrao—the same man who used to accompany the Gaekwar on His Highness's visit to the Residency.

Mr. Inverarity here remarked that the point as to the analysing of the tumbler had been reached. It would be convenient to break off here, and after Mr. Scoble explained that it would take another hour at least to conclude Dr. Seward's examination in chief, and Mr. Serjeant Ballantine had explained that he could not finish with Dr. Seward to-day, the Commission rose at a quarter-past four o'clock.

The following evidence was accidentally omitted by the printers from the record of Friday's proceedings before the Commission, and should be inserted after the words "Ameena re-called" in page 28 of the official record:—

Examined by the Advocate-General:—

Do you know the witness who has just left the box, Syed Abdool?—Yes, I used to know him before.

Were you living in the same house in Bombay?—Yes.

Did you ever get him to write any letters for you while you were in his house in Bombay?—Yes, as I stated before.

Do you remember how many letters you got him to write?—It was some time ago. I do not exactly re-

member, but to the best of my recollection three letters were written, two addressed to Baroda and the third to Mahableshtar.

On what visit of yours to Bombay was it that you got these three letters written?—When I went to Bombay in company with Mrs. Phayre last year.

(The witness was shown letter marked D, written in Mahrathi?)

Do you understand this letter?—I am not familiar with these characters.

(Syed Abdool, the writer of the letter, was re-called and read the letter.)

(The Interpreter—That is substantially consistent with the English translation.)

The Advocate-General to witness.—Was that letter written by your direction?—Yes.

You desire your compliments to be given to Kazee Shahabudeen, Yeshwuntrao, and Salim. Who are these persons?—The Kazee was in the habit of coming to visit a reverend gentleman at the Residency, and on these two occasions he used to come to my room to drink water.

Do you know in what place he was Kazee?—In the towns or villages of the Deccan—Chundool, I believe.

Who were Salim and Yeshwuntrao?—Salim was the man who used to come with the Maharaja.

Is this the Maharaja's jassood that you spoke of the other day?—Yes.

Are Salim and Yeshwuntrao the two jassoods of the Maharaja?—Yes. The Maharajah's jassoods or naiks.

You also write that you sent a letter, affixing a postage label upon it?—Yes.

You also say in another part of the letter, "I do not know whether or not you have delivered the note enclosed in my last letter for whom it was intended?"—Yes.

Who wrote that letter and enclosure?—The Raheem Sahib.

The President—Is that the letter D?

The Advocate-General—Yes.

Examination continued—Who was the person for whom the letter enclosed was intended?—It was written to Salim to be delivered to the Maharaja. I

wrote that because Salim had mentioned it to me to write.

For whom was the letter intended?—To the Maharaja.

Abdool Rehman, recalled, read the letter marked A, dated 10th April, from Ameena.

The Interpreter said that the English translation of the letter was substantially accurate.

Examination continued—This letter also was written by my suggestion.

You say Salim saw you on his arrival here?—Yes, I refer to his arrival in Bombay.

Is this Salim who saw you in Bombay the same Salim that was mentioned before?—Yes.

Did he come to see you while in Bombay?—No, I met him at Yeshwuntrao's house, where I went. I did not know Yeshwuntrao's house, but as I was going to Bhau Daji's house Yeshwuntrao met me, and I went with him to eat some pan-sooparee.

On that occasion did you see Salim?—In the letter it is written, "Salim saw me on his arrival here, but as that is a Raj Durbaree matter it will be done leisurely as opportunities offer?"—Yes.

What are the durbaree matters to which you refer?—I asked Salim when will you give me the reward or present. I said I had not got it yet. He said, this is a large durbaree or great affair; it can be done leisurely.

You also write in the letter that Yeshwuntrao spoke to you as follows:—"On my return I shall have arrangements made about you. The Maharaja twice or thrice inquired when the ayah would come." Is it true that Yeshwuntrao spoke in that manner when you saw him in Bombay?—Yes, I won't tell a lie.

Is it also true that you invited Salim to Bombay and showed him such attentions as were suited to your circumstances?—Yes, I gave him tea and pan-sooparee.

You also say in the letter, "I have sent a letter there stating that I would attend on the 20th, and it is my intention to go there accordingly?"—That was with reference to going to Nowseeree in the service of Mr. Boovey.